

EXHIBIT

19

A F F I D A V I T

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

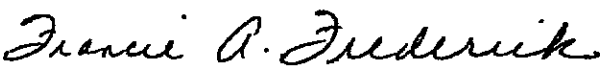
Before me, the undersigned authority, personally appeared FRANCIE A. FREDERICK, who, being by me duly sworn, deposed as follows:

My name is FRANCIE A. FREDERICK and I am the General Counsel to the Board of Regents of The University of Texas System. In this capacity, I am the individual in The University of Texas System responsible for authenticating and certifying official University of Texas System records.

Attached to this Affidavit as Exhibit A is a copy of pages 4-5 of the Minutes of the Board of Regents of The University of Texas System (Meeting No. 969), as approved by the Board of Regents.

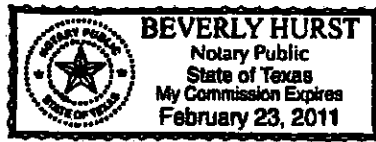
As General Counsel to the Board of Regents of The University of Texas System, I certify that Exhibit A attached to this Affidavit is a true and correct copy of official records. These records are kept by the Office of the Board of Regents in the regular course of its business. It was the regular course of the Office of the Board of Regents for an employee or representative of the office with knowledge of the act or event recorded to make the records or to transmit information thereof to be included in such records. The records were made at or near the time of the act or event recorded, or reasonably soon thereafter. Exhibit A is the exact duplicate of the original.

EXECUTED under my hand and the seal of The University of Texas System this the 2nd day of May, 2008.



Francie A. Frederick, General Counsel to
the Board of Regents of
The University of Texas System

SWORN TO AND SUBSCRIBED BEFORE ME this the 2nd day of May, 2008.



Beverly Hurst
_____, Notary Public in
and for Travis County, Texas

EXHIBIT A TO FREDERICK AFFIDAVIT

EXHIBIT A

Meeting No. 969

**THE MINUTES OF THE BOARD OF REGENTS
OF
THE UNIVERSITY OF TEXAS SYSTEM**

Pages 1 - 113

August 6-7, 2003

San Antonio, Texas

The Board also approved the Minutes of the special meetings of the Board of Regents of the U. T. System held on June 16 and July 7, 2003, in Austin, Texas, as prepared by the Counsel and Secretary to the Board. The official copy of these Minutes is recorded in the Permanent Minutes, Volume L, Pages 647 - 662.

Chairman Miller noted that the July Minutes include a description of the work underway to revise the Regents' Rules and Regulations following the framework suggested by Professor Donde Plowman of The University of Texas at San Antonio. He said Professor Robert Hamilton of The University of Texas at Austin is assisting the Office of the Board of Regents with the general approach for the revisions.

EXECUTIVE SESSION OF THE BOARD OF REGENTS

Chairman Miller called on Regent Estrada for a motion relating to affirmative action as discussed in Executive Session on August 6, 2003, as follows:

U. T. Board of Regents: Discussion and appropriate action regarding legal issues related to decision in University of Michigan affirmative action cases

Pursuant to discussion in Executive Session on August 6, 2003, and on behalf of The University of Texas System, Regent Estrada moved that:

- a. Each component institution be and is authorized to develop and propose plans regarding whether to consider an applicant's race and ethnicity as part of the component's admissions or financial assistance policies in accordance with the standards enunciated in the recent Supreme Court cases of *Grutter v. Bollinger* and *Gratz v. Bollinger*. Initial responsibility for developing and proposing such admissions and financial assistance policies may be further delegated within each component to colleges, departments, or other programs.
- b. No component or program shall propose to consider race or ethnicity unless it finds, after serious and good-faith consideration, that race-neutral alternatives are inadequate. This consideration may include the degree of diversity attainable with race-neutral methods and the impact on other academic objectives of exclusive reliance on those race-neutral methods.
- c. Any component or program that proposes to consider race or ethnicity shall propose a written plan. Any such plan must provide for individualized and holistic review of applicant files in which race and ethnicity are among a broader array of qualifications and

characteristics considered. Any such plan must also provide for periodic review of whether, and to what extent, the plan is still needed or needs revisions.

- d. Any proposal for admissions or financial assistance policies that considers race and ethnicity among an array of qualifications and characteristics and any subsequent revisions to such policies, must be reviewed and approved by the Office of General Counsel and by the Executive Vice Chancellor for Academic Affairs or the Executive Vice Chancellor for Health Affairs, as appropriate, prior to implementation.
- e. The policy expressed herein shall be reviewed by the Board of Regents in a period not to exceed five years from the date of adoption hereof.

The motion was seconded and carried unanimously.

Chancellor Yudof said authority for the consideration of race and ethnicity in admission and financial assistance policies is being delegated to the campuses and that delegation of authority must be accompanied by strong accountability measures to ensure conformity with the two Supreme Court opinions. He said conformance will be closely monitored for adherence to a holistic and periodic review of the whole program and expressed that this is now the law of the land for all 50 states and brings Texas into conformity with the law and practice of the other states.

Regent Estrada endorsed Chancellor Yudof's remarks to ensure that the importance of the action proposed to achieve the overall goal of diversity on the campuses is within the Supreme Court guidelines.

Chairman Miller clarified that the focus on the use of affirmative action in admission to universities is a first step to meet the demands of "Closing the Gaps": participation, success, excellence, and research, and that the Board is not forgetting these duties, but rather emphasizing them.

See Item 1 on Page 1 relating to discussion in Executive Session on August 8, 2003.